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27195	7590	09/04/2008	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			TECKLU, ISAAC TUKU	
			ART UNIT	PAPER NUMBER
			2192	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/824,969	<b>Applicant(s)</b> HARRY ET AL.	
	<b>Examiner</b> ISAAC T. TECKLU	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is responsive to the application filed on 06/20/2008.
2. Claim 7 has been cancelled.
3. New claim 41 has been added.
4. Claims 1-6, 8-41 have been examined.

***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/20/2008 has been entered.

Applicant's arguments with respect to claims 1-29 have been considered but are not persuasive. See the rejection with new citation below.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 6, 8-10 and 13 are directed to a system. However, as recited, the system is reasonably interpreted as entirely software, which amounts to descriptive material *per se*. The system is not supported by hardware such as tangible computer storage or execution engine, which would enable one skill in the art to construe that the system, is built from tangible product to carry out any functionality being conveyed from the claim. Thus, the system is software *per se* and therefore is not being tangibly embodied in a manner as to be executable. See MPEP § 2106.01.

Claims 6,8-10 are rejected for failing to cure the deficiencies of the above rejected non-statutory claims above.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6, 8-9, 11-23 and 25-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (US 2005/0091226 A1).

Per claim 1 (Currently Amended), Lin discloses a system that facilitates source code control (e.g. FIG. 1 and related text), comprising a client-side client control component of a client that tracks an activity associated with a modification of a source code file in a client workplace when the client is in an[[d]] offline mode (paragraph [0007] "... online-offline..." and paragraph [0012] "... any file modified or manipulated by the client while disconnected from the remote server can be stored and uploaded to the server when the client regains its connection to the server ..." and paragraph [0034], paragraph [0084] "... user retains a consistent view of the file after transitioning online ... even when the files have been modified locally ..." and paragraph [0325] "... and e.g. FIG. 12, step 1210 and related text), and transmits the activity during an update process when the client moves to an online mode and (e.g. FIG. 12, step 1230 and related text).

a server-side client control component that interfaces to the client-side client control component to facilitate transfer of the activity (paragraph [0329] "... client side caching ...")

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and e.g. FIG. 1 and 8-10 and related text) and update of the source code file in a server repository (paragraph [0012] “... any file modified or manipulated by the client while disconnected ... uploaded to the server when the client regains its connection to the server ...”).

Per claim 2, Lin discloses the system of claim 1, further comprising:

a cache that stores the source code file (e.g. FIG. 1, CACHE 150 and related text); and

a list that stores the activity, which activity is a command executed during the offline mode and associated with the modification (paragraph [0043] “... store them on a list...” and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ...” and e.g. FIG. 2, 236 and related text).

Per claim 3, Lin discloses the system of claim 2, the source code file stored in the cache remains in an unmodified state (in paragraph [0071] “... writes are cached until the op-lock is broken ...”).

Per claim 4, Lin discloses the system of claim 2, contents of the cache are maintained in both the offline mode and online mode of the client (in paragraph [0086] “... cache can be stored in the cache while offline ...”).

Per claim 5, Lin discloses the system of claim 1, the client stores all source code files that have been at least one of modified and deleted (e.g. TABLE 2 and related text).

Per claim 6, Lin discloses the system of claim 1, the source code file is transmitted to the client before the client moves to the offline mode (e.g. FIG. 12, step 1230 and related text).

Per claim 8, Lin discloses the system of claim 1, the client stores at least one of the source code file in an unmodified state, pending change set data, a file type definition, and a site-specific help file (e.g. FIG. 4 and related text).

Per claim 9, Lin discloses the system of claim 1, an error is resolved during a reconciliation process of the activity to the source code file before the source code file can be updated with the modification (paragraph [0070] "... error is returned ...").

Per claim 11, Lin discloses the system of claim 1, the source code file is downloaded into a client workspace before the client moves to the offline mode (e.g. FIG. 11, step 1120 and 1130 and related text).

Per claim 12, Lin discloses the system of claim 1, a pristine copy of the source code file is automatically loaded into a client cache in response to a checkout-related command being executed (paragraph [0071] "... checks if there is any cached data from a previous write request on this file ... sends back the only sections with the modified data ..." e.g. FIG. 11, 1120 and related text).

Per claim 13, this is another system version of the claimed system discussed above (Claim 2), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 14, this is another system version of the claimed system discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 15, this is another system version of the claimed system discussed above (Claim 41), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 16, Lin discloses the system of claim 13, the activity list stores a plurality of activities associated with corresponding commands executed against the source code file, when the client is in an offline mode (paragraph [0043] "... store them on a list..." and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ..." and e.g. FIG. 2, 236 and related text).

Per claim 17, Lin discloses the system of claim 13, the activity is persisted to a server to update a server source code file associated with the source code file during an update process associated with the online mode (paragraph [0012] "... any file modified or manipulated by the client while disconnected from the remote server can be stored and uploaded to the server when



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the client regains its connection to the server ...” and paragraph [0084] “... user retains a consistent view of the file after transitioning online ... even when the files have been modified locally ...” and paragraph [0325] “... and e.g. FIG. 12, step 1210 and related text).

Per claim 18, this is computer readable medium version of the claimed system discussed above (Claim 13), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 19, this is computer version of the claimed system discussed above (Claim 13), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 20, Lin discloses the system of claim 13, further comprising a classifier that automates a source code control feature by making an inference based on data associated with at least one of the online mode and an offline mode (paragraph [0033] “... classifiers can be employed ...”).

Per claim 21, this is computer readable medium version of the claimed system discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 22, this is computer readable medium version of the claimed system discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

22. The method of claim 21, further comprising executing one or more commands on the client during the offline mode to facilitate caching of a pristine version of the copy (paragraph [0034] "... cached copy of a file ...").

Per claim 23, Lin discloses the method of claim 21, further comprising caching a pristine version of the copy in response to making the modification to the source code file on the client (paragraph [0034] "... cached copy of a file ...").

per claim 25, Lin discloses the method of claim 21, further comprising resolving a conflict between a command executed during modification of the copy and the remote source code file during the update process (paragraph [0034] "... copy of file ...").

Per claim 26, this is the method version of the claimed system discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 27, Lin discloses the method of claim 21, further comprising transmitting a modified source code file to the remote location after the activity data has been reconciled to

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the remote source code file (e.g. TABLE 3, “resolve conflict” and related text).

Per claim 28 (Currently amended), Lin discloses a method of facilitating source code control, comprising:

moving a copy of a remote source code file of a server to a client workspace of a client (paragraph [0034] “... cached copy of a file ...”);

caching the copy in a client cache in response to a modification of the copy, which modification is one of a plurality of modifications (e.g. FIG. 12, 1220 and related text);

storing activity data on the client during an offline mode, which activity data is associated with the plurality of modifications made to the copy (paragraph [0043] “... store them on a list...” and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ...” and e.g. FIG. 2, 236 and related text);

performing an error check to determine if a conflict exists, if the remote source code file is locked, if an administrator has disallowed an update process (paragraph [0068] “... if the buffering state is at the equivalent of oplock...” and paragraph [0071] “... writes are cached until the op-lock is broken ...” and paragraph [0268] “... if it is error success...”); and

transmitting the activity data to the server during an online mode to update the remote source code file during an update process if no error is detected (paragraph [0242] “... true if no error encountered ...” and e.g. FIG. 12, 1230 and related text).

Per claim 29, Lin discloses the method of claim 28, further comprising storing information at the client before entering the offline mode (e.g. FIG. 12, 1230 and related text).

Per claim 30, Lin discloses the method of claim 28, further comprising updating a checkout record at the server during the online mode (e.g. FIG. 13, 1310 and related text).

Per claim 31, Lin discloses the method of claim 28, further comprising issuing a command to enter the offline mode, and a corresponding command to enter the online mode (e.g. FIG. 12, 1230 and e.g. FIG. 13, 1310 and related text).

Per claim 32, Lin discloses the method of claim 28, further comprising issuing a command that includes a URL to a workspace (e.g. FIG. 13 and related text).

Per claim 33, Lin discloses the method of claim 28, further comprising at least one of: checking out the copy during the act of moving, which is during the online mode; and checking out the copy from a client workspace during the offline mode (paragraph [0071] "... checks if there is any cached data from a previous write request on this file ... sends back the only sections with the modified data ..." e.g. FIG. 11, 1120 and related text).

Per claim 34, Lin discloses the method of claim 28, further comprising: detecting an error during the offline mode (paragraph [0070] "... error is returned ..."); presenting an error message associated with the error (paragraph [0070] "... error is returned ..."); maintaining the client in the offline mode in response to detecting the error (paragraph [0093] "... viewing the offline store ..."); and allowing the client to move to the online mode after the error has been resolved (paragraph [0045] "... check the file access ... allow the request ...").

Per claim 35, Lin discloses the method of claim 28, further comprising imposing permissions required for the offline mode, during the online mode (paragraph [0045] "... check the file access ... allow the request ...").

Per claim 36, Lin discloses the method of claim 28, further comprising caching at the client at least one of unmodified files, pending change set information, file type definitions, and site-specific help files (e.g. FIG. 4 and related text).

Per claim 37, Lin discloses the method of claim 28, further comprising reapplying a checkout process to the server when at least one of the checkout was cancelled at the server when the client was offline and a checkout was performed offline on the client after the copy was downloaded to the client without the checkout process issued to the server during the online mode (paragraph [0045] "... check the file access ... allow the request ...").

Per claim 38, this is system version of the claimed method discussed above (Claim 28), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 39, this is system version of the claimed method discussed above (Claim 29), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Lin.

Per claim 40, Lin discloses the system of claim 38, further comprising means for resolving a[[n]] detected error during reconciliation of the command data to the server, before uploading the modified version of the copy to the server (paragraph [0070] "... error is returned ..." and e.g. TABLE 3, "resolve conflict" and related text).

Per claim 41 (New) A system that facilitates source code control, comprising:

a client-side client control component of a client that tracks an activity associated with a modification of a source code file in a client workspace when the client is in an offline mode, checks for errors, and transmits the activity to be performed during an update process when the client moves to an online mode, further checking for an error or a conflict during the update process (paragraph [0007] "... online-offline..." and paragraph [0012] "... any file modified or manipulated by the client while disconnected from the remote server can be stored and uploaded to the server when the client regains its connection to the server ..." and paragraph [0034], paragraph [0084] "... user retains a consistent view of the file after transitioning online ... even when the files have been modified locally ..." and paragraph [0325] "... and e.g. FIG. 12, step 1210 and related text;

a server-side client control component that interfaces to the client-side client control component to facilitate transfer of the activity and update of the source code file in a server repository (paragraph [0012] "... any file modified or manipulated by the client while disconnected ... uploaded to the server when the client regains its connection to the server ...");

a cache that stores the source code file whether the user is in an online mode or an offline mode, the source code file downloaded to a client workspace and stored in the cache remains in an unmodified state (paragraph [0043] "... store them on a list..." and paragraph [0328] any modification or changes to the document can be saved or stored in the local cache ..." and e.g. FIG. 2, 236 and related text);

the cache further storing information relating to activity associated with a modification of the source code file, file type definitions, and site-specific help files; and a list that stores the activity, which activity is a command executed during the offline mode and associated with the modification (in paragraph [0071] "... writes are cached until the op-lock is broken ...").

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US 2005/0091226 A1) in view of Leherbauer (US 2003/0033590 A1).

Per claims 10 and 24, Lin does not explicitly disclose disallowing at least one of a portion and all of the activity data if an error is detected during the update process. However, Leherbauer discloses Typically, files are located in a repository that is directly accessed by the version control tool. The file may be “checked out” of the repository by a developer, and changes may then be made to the file before it is checked back in. While the file is checked out in a locked state, other members of the development team may not make changes to it (as it give error, hence disallowing the activities in paragraph [0003]). Therefore it would have been obvious to one skilled in the art at the time of the invention was made to combine Lin and Leherbauer to helps manage information about who check out the document, when, and what changes were made and allow for the developer to save comments describing his changes and may assign a new name or version number to the file as once suggested by Leherbauer (in paragraph [0003]).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-29 have been considered but are not persuasive. See the rejection with new citation below.

Applicant argued that Lin does not teach the above amended claims. Examiner would like to indicate that all the above amended claims are taught by Lin. See the rejection with new citation above.



*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571)272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192